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RECENT CASES.

ABSORPTION OF UNDERGROUND WATERS BY WATERWORKS—CITY'S LIABILITY—*FORBELL V. CITY OF NEW YORK*, 56 N. Y. Supp.—*Held*, a city is liable for lowering the level of subterranean waters under plaintiff's land.

CONSTRUCTION OF STATUTE—*DANIELS ET AL. V. COLLEGE*, 50 S. W. 205 (Tex.).—A college as a corporation is a "person aggrieved" within the meaning of a Statute prohibiting the sale of liquors to a student of any institution of learning, and further providing that a liquor dealer's bond may be sued on by any person aggrieved by the violation of its provisions, and it is no defense that defendant has compromised with the father of the student.

DAMAGES—INJURY TO BRAKEMAN—AUTOMATIC COUPLER—FAILURE TO USE—NEGLIGENCE—*THOXLER V. SOUTHERN RAILWAY CO.*, 32 S. E. 550 (S. C.).—*Held*, that failure of railroad to use automatic car-couplers on its freight cars was negligence *per se*, and there was liability to injured employees, whether they showed negligence or not. Also, that extension of time, in which Act of Congress required the use of automatic couplers, does not alter the defendant's common law liability.

EVIDENCE—*HEINTZ ET AL. V. THAYER ET AL.*, 50 S. W. 175 (Tex.).—The testimony of a daughter that her father had sent a certain deed, claimed to be executed by him, to be registered, is evidence thereof, even though she could not have known this of her own knowledge, as she was not living at the time. It is fairly inferable that she was speaking of a fact of common knowledge in the family.

EXECUTORS—FRAUDULENT MISAPPLICATION OF FUNDS—*CULBERTH V. SMITH*, 32 Sup. Ct. R. 714.—An executor is not guilty of fraudulent misapplication of the funds of his testator's estate by his failing to pay over the amount of a note executed by himself in favor of testator in his lifetime.

GIFT INTER VIVOS—*HOLMES V. McDONALD, ET AL.*—78 N. W. Rep. 647 (Mich.).—A father conveyed certain lands to his sons, taking back a mortgage conditioned for the payment of interest thereon to him during his lifetime, "and, after his death, the sum of \$500 to the sister J." The deed was duly recorded. Thereafter the father discharged the mortgage of record, reciting that it had been duly paid and satisfied, and a new mortgage was given making no provisions for J. *Held*, that the recording of the mortgage constituted a gift to J. inter vivos, and the discharge of the mortgage thereafter would not release the liability thereunder to J.

MORTGAGES PRIORITY—NOTICE—*McALLISTER V. PURCELL*, 32 S. E. 715.—A second mortgage takes precedence over an unregistered mortgage, even though the second mortgagee had actual notice of the existence of the first mortgage when his mortgage was executed.

MUNICIPAL CORPORATIONS—POWER TO OFFER REWARDS—*PEOPLE ET REL. MAYNARD, ATTORNEY-GENERAL, V. VILLAGE OF HOLLEY*, 78 N. W. 665 (Mich.).—An incorporated village, authorized to provide for the preservation of public property, and to make other regulations for the safety and general welfare of its inhabitants, has power to offer a reward for the conviction of the incendiaries who had set fire to buildings within its limits.